

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**July 6, 2000**

DIVISION ONE

B129471 People (Not for Publication)  
v.  
Villasenor et al.

The judgments are affirmed.

Aragon, J. (Assigned)

We concur: Ortega, Acting P.J.  
Vogel (Miriam A.), J.

DIVISION TWO

B137099      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Patrice J.

The order under review is affirmed.

Boren, P.J.

We concur:   Nott, J.  
                      Cooper, J.

DIVISION TWO (Continued)

B135516      Lengacher                      (Not for Publication)  
                 v.  
                 Shepherd et al.

The judgment is affirmed.

Boren, P.J.

We concur:    Nott, J.  
                 Mallano, J. (Assigned)

B134082      People                              (Not for Publication)  
                 v.  
                 Kaufman

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Cooper, J.

B133703      People  
                 v.  
                 Leonard H.

Filed order modifying opinion. (Change in judgment)

B129075      People  
                 v.  
                 Hernandez

Filed order denying petition for rehearing. Nott, J. would grant.

DIVISION THREE

[illegible]

The judgment is affirmed, except that it is modified by awarding an additional 801 days custody credit pursuant to Penal Code section 2900.5 for the period of July 8, 1997, to September 16, 1999, inclusive. The above modification is without prejudice to appellant's right to receive appropriate behavior and work credits as determined by the Department of Corrections consistent with this opinion. The trial court is directed to amend the abstract of judgment to reflect the above. The trial court is also directed to amend the abstract of judgment, and the minute order printed September 22, 1999, reflecting September 16, 1999 proceedings, by (1) deleting any reference to a Penal Code section 12022, subdivision (a)(1), enhancement as to appellant's conviction for assault with a firearm on a peace officer (count 11), and (2) modifying any reference to a Penal Code section 12022, subdivision (a)(1), enhancement as to appellant's conviction for attempted murder (count 15) to reflect an enhancement term of four months instead of one year. The trial court is further directed to forward a copy of the amended abstract of judgment of the Department of Corrections.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

B132198      Darren Manibog et al.      (Certified for Publication)  
v.  
Mediaone of Los Angeles, Inc.

The judgment is reversed and the matter is remanded for further proceedings consistent with this opinion. Manibog shall recover his costs on appeal.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

DIVISION FOUR

B132400     People  
              v.  
              Serrano

Filed order denying petition for rehearing.

B123758     Helm                                 (Not for Publication)  
              v.  
              Royer

The judgment is affirmed. Respondent(s) to recover costs.

Hastings, J.

We concur:   Epstein, Acting P.J.  
                  Curry, J.

B126895     Zurn Construction                 (Not for Publication)  
              v.  
              Castaic Lake Water Agency

The order holding CLWA to be the prevailing party for the purpose of  
awarding costs is vacated. In all other respects, the judgment is affirmed.  
The parties are to bear their own costs on appeal.

Epstein, Acting P.J.

We concur:   Hastings, J.  
                  Curry, J.

## DIVISION FOUR (Continued)

B134128 People v. Perry (Not for Publication)

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Curry, J.

B130930      People      (Not for Publication)  
v.  
Sarinana

The judgment is affirmed.

Epstein, J.

We concur:   Vogel (C.S.), P.J.  
                      Hastings, J.

B130662 County of Los Angeles (Not for Publication)  
v.  
Ranger Insurance Company

The judgment is affirmed.

Curry, J.

We concur:   Vogel (C.S.), P.J.  
                     Hastings, J.

DIVISION FOUR (Continued)

B132581      Los Angeles County, D.C.F.S.      (Not for Publication)  
                 v.  
                 Anthony R.

The judgment is affirmed.

Curry, J.

We concur:    Vogel (C.S.), P.J.  
                 Epstein, J.

B138469      Latasha P.                                      (Not for Publication)  
                 v.  
                 S.C.L.A.  
                 D.C.F.S.

The petition for writ of mandate is denied. This decision shall become final as to this court immediately upon its filing. (Cal. Rules of Court, rule 24(d).)

Curry, J.

We concur:    Vogel (C.S.), P.J.  
                 Epstein, J.

DIVISION FIVE

B125172      People    (Not for Publication)  
                 v.  
                 Luis Lopez

The judgment is affirmed.

Godoy Perez, J.

We concur:    Turner, P.J.  
                 Grignon, J.

## DIVISION FIVE (Continued)

B133584 People (Not for Publication)  
v.  
Eric Jones

The judgment is reversed.

Grignon, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

B134796      People                                  (Not for Publication)  
v.  
Edward Gilmore

The judgment is modified to impose penalty assessments of \$50 pursuant to Penal Code section 1464, and \$35 as required by Government Code section 76000. The judgment is affirmed in all other respects.

Turner, P.J.

I concur: Grignon, J.  
I coucur: Godoy Perez, J. (opinion)

B126156 Koala Productions, Ltd., et al. (Not for Publication)  
v.  
Melvin Simon et al.

THE COURT:

It appearing to the court that the opinion filed on June 27, 2000, in the above-entitled matter was prematurely filed due to clerical error. The opinion originally filed June 27, 2000, is vacated and is ordered refiled as of the date of this order.

DIVISION FIVE (Continued)

B117318 Koala Productions, Ltd., et al. (Not for Publication)  
v.  
Melvin Simon, et al.

The judgment is affirmed. Respondents to recover their costs on appeal.

Godoy Perez, J.

We concur: Turner, P.J.  
Grignon, J.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, P.J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

Each of the following:

B132072 Law Offices of Gary Byron Roach v. Lukens  
B136819 Human Services Agency v. Victor C. & Crystal J.

Argument waived, cause submitted.

B123061 Hunt  
v.  
Long Term Credit Bank of Japan

Argument continued to September, 2000 calendar.



DIVISION SIX (Continued)

B134842     Martinez  
              v.  
              Anderson

Merits:

Argued by Robert K. Miller for appellant; and by Suzanne L. Salzwedel, deputy attorney general, and Richard T. Waldow, acting supervising deputy attorney general, with the court's permission, for respondent. Cause submitted.

B135641     Johnson  
              v.  
              Covenant Care International, Inc.

Merits:

Argued by J. Patrick O'Harra for appellants and by Jennifer Nutter for respondents. Cause submitted.

B130769     Malhiot  
              v.  
              City of Oxnard

Merits:

Argued by Alan E. Wisotsky and Jeffrey Held with the court's permission for appellants, and by Wendy C. Lascher for respondents. Cause submitted.

Court recessed at 10:30 A.M.

Court reconvened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

DIVISION SIX (Continued)

Each of the following:

B118886 People v. Linnihan  
B133089 People v. Batiste  
B134987 People v. Tinoco

Argument continued to August, 2000 calendar.

B134473     People  
                  v.  
                  Findley

Argument continued to September, 2000 calendar.

Each of the following:

B129482 People v. Hymes  
B130959 People v. Harris & Phillips  
B131838 People v. Malo  
B131902 People v. Ramirez  
B133799 People v. Pierce  
B133823 People v. Myart  
B134371 People v. Strohman  
B134512 People v. Dixon  
B134579 People v. Wilson  
B134657 People v. Garcia  
B134988 People v. Espinoza  
B135196 People v. Garcia  
B136179 People v. Leith  
B137338 People v. Simpson  
B137454 People v. Bendele  
B137909 People v. Estupinan

Argument waived, cause submitted.

DIVISION SIX (Continued)

B128464     People  
              v.  
              Bartolon

Appearances:

Jerry D. Whatley for appellant and by Karen Bissonnette, deputy attorney general, for respondent via video conference. Argument waived, cause submitted.

B134821     People  
              v.  
              Vailuu

Merits:

Argued by Lyn A. Woodward for appellant and by Mitchell Kieter, deputy attorney general, for respondent via video conference. Cause submitted.

B130326     People  
              v.  
              Grace

Merits:

Argued by Ralph H. Goldsen for appellant and by David A. Wildman, deputy attorney general, for respondent via video conference. Submission deferred 15 days for court to receive and review trial exhibit.

B136682     People  
              v.  
              Nova

Merits:

Argued by Ralph H. Goldsen for appellant and by Brad D. Levenson, deputy attorney general, for respondent via video conference. Cause submitted.

DIVISION SIX (Continued)

B132246     People  
              v.  
              Dixon

Merits:

Argued by Gerald M. Serlin for appellant and by Deborah J. Chuang, deputy attorney general, for respondent via video conference. Cause submitted.

B137957     People  
              v.  
              Lawrence

Merits:

Argued by Michael Carter for appellant and by Richard T. Breen, deputy attorney general, for respondent via video conference. Cause submitted.

B136783     People  
              v.  
              Palomares

Merits:

Argued by Michael M. Levin for appellant and by Susan S. Kim, deputy attorney general, for respondent via video conference. Cause submitted.

B129244     People  
              v.  
              Perez

Merits:

Argued by Richard M. Doctoroff for appellant and by David A. Wildman, deputy attorney general, for respondent via video conference. Cause submitted.

DIVISION SIX (Continued)

B134524     People  
              v.  
              Garcia & Melara

Merits:

Argued by Thomas T. Ono for appellant Melara and by Michelle M. Paffile, deputy attorney general, for respondent via video conference. Argument previously waived by appellant Garcia. Cause submitted.

Yegan, J. left the bench.

B131124     People  
              v.  
              Hughes

Merits:

Argued by Edward J. Haggerty for appellant and by Alene M. Games, deputy attorney general, for respondent via video conference. Cause submitted.

Court adjourned at 3:45 P.M.

DIVISION SEVEN

Court convened at 9:00 A.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Neal, J. and Emma Jean Amos, Deputy Clerk.

Each of the following:

B112631 People v. Moore  
B121548 People v. Drebert  
B123823 People v. Mitchell  
B124694 People v. Rykschroeff  
B127162 People v. Babb  
B128686 People v. Omorogieva, Dasher, Fikes  
B130960 People v. Betton  
B131815 People v. Brown  
B132428 People v. Alvarado

DIVISION SEVEN (Continued)

Each of the following (continued):

B133036 People v. Castillo  
B133341 People v. Wright  
B134222 People v. Hawkins  
B134581 People v. Sandoval  
B134588 People v. Velez  
B135925 People v. Davon W.  
B136419 People v. Edward James W.  
B136493 People v. Braziel  
B136521 People v. Wheeler  
B136855 People v. Jorge M.  
B137822 People v. Smith  
B137445 D.C.F.S. v. Maria W.  
B140283 Gary B. v. S.C.L.A.  
B134628 Toy v. Ramirez  
B135710 D.C.F.S. v. Livia L.  
B138673 In re Walley Patterson on Habeas Corpus  
B134321 Voivod v. Canoga Care Center  
B136388 D.C.F.S. v. Naeemah B.

Argument waived, cause submitted.

B138394     People  
              v.  
              Lugo

Merits:

Argued by Linda Casey Mackey for appellant and by Jennevee H. De Guzman, deputy attorney general, for respondent. Cause submitted.

B136910     People  
              v.  
              Derrick William K.

Merits:

Argued by Gerald V. Scotti for appellant and by Joseph P. Lee, deputy attorney general, for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B128491     People  
              v.  
              Carrocci

Merits:

Argued by Jean E. Matulis for appellant and by Alan D. Tate, deputy attorney general, for respondent. Cause submitted.

B132714     People  
              v.  
              Green

Merits:

Argued by Carlo Andreani for appellant and by Erika D. Jackson, deputy attorney general, for respondent. Cause submitted.

B136055     People  
              v.  
              James T.

Merits:

Argued by Patricia A. Painter for appellant and by Stephen A. McEwen, deputy attorney general, for respondent. Cause submitted.

B135867     People  
              v.  
              Hoffman

Merits:

Argued by John F. Guenther for appellant and by Stephanie A. Mitchell, deputy attorney general, for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B136245     People  
              v.  
              Hoffman

Merits:

Argued by Abram Weisbrot, deputy district attorney, for appellant and by John F. Guenther for respondent. Cause submitted.

B134312     Mazur  
              v.  
              Truck Insurance Exchange

Merits:

Argued by Louis J. Khoury for appellant and by Lisa Perrochet for respondent. Cause submitted.

B138299     California State Employee's Association  
              v.  
              Public Employment Relations Board  
              (Employment Development Department, r.p.i.)

Merits:

Argued by Michael Hersh for petitioner and by Robert Thompson for respondent and by Linda Nelson for real party in interest. Cause submitted.

B134346     Los Angeles County, D.C.F.S.  
              v.  
              William & Pamela J.

Merits:

Argued by Doraine F. Meyer, deputy county counsel, for respondent and by Joseph Mackenzie for respondent and by William D. Caldwell for respondent. Cause submitted.

Court recessed at 11:45 A.M.



DIVISION SEVEN (Continued)

Court reconvened at 2:00 P.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Neal, J. and Emma Jean Amos, Deputy Clerk.

B139105      Commercial Underwriters Insurance et al.  
                 v.  
                 Superior Court, Los Angeles County  
                 (Siegel, r.p.i.)

Merits:

Argued by Brian Zimmerman, Joseph Stark, Cheryl Orr, Elaine Reagan for petitioners and by Linda Elaine Klamm for real party in interest. Cause submitted.

B131606      Sexton  
                 v.  
                 Primadonna Resorts, Inc., et al.

Merits:

Argued by John B. Loomis for appellant and by David Ozeran for respondents. Cause submitted.

B131802      El-Moussa  
                 v.  
                 Allstate Insurance Company

Merits:

Argued by Anne M. Huarte for appellant and by Charles A. Bird for respondent. Cause submitted.

B133466      Gonzales et al.  
                 v.  
                 County of Los Angeles

Oral argument continued to September 7, 2000 at 2:00 P.M.

Court adjourned at 3:25 P.M.